



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,981	02/26/2002	Samir Narendra Mehta	320037.403	9077
20280 7590 01/07/2008 MOTOROLA INC 600 NORTH US HIGHWAY 45 W4 - 39Q LIBERTYVILLE, IL 60048-5343			EXAMINER JONES, PRENELL P	
			ART UNIT 2619	PAPER NUMBER
			NOTIFICATION DATE 01/07/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKETING.LIBERTYVILLE@MOTOROLA.COM  
ADB035@Motorola.com

## Office Action Summary

Application No.

10/085,981

Applicant(s)

MEHTA ET AL.

Examiner

Prenell P. Jones

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 87-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 87-92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 12/31/07.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Examiner Remarks***

The previous office action mailed out on November 11, 2007 is vacated in view of Applicants remarks presented in a telephone interview on November 12, 2007

***Response to Arguments***

1. Applicant's arguments with respect to claims 87-92 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the cited prior art of Ala-Laurilla does not constitute prior art with respect to Applicants' Application. In light of Applicants argument, Examiner has performed an additional search.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 87-90 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olin et al (US PG PUB 20040005878) in view of Wang et al (US Pat 6,603,761).

Regarding claim 87, Olin et al (US PG PUB 20040005878) discloses packet based billing in a wireless environment wherein communication exist between wireless devices, wherein billing is based on the amount of data transferred (paragraph 0001, 0003), wherein the amount of data transferred and the amount of data received are associated with a billing record (logged data), and billing record is executed in a central node such as a server (paragraph 0025, 0026, 0035, 0047).

However, Olin fail to disclose server accumulating transferred data amount and received data amount, in a WLAN environment that includes billing in a packet data network wherein the billing data is sent to a billing gateway/server that collects charging information for accumulation of billing charges.

In a telecommunication environment, Wang discloses a wireless telephone call system/WLAN, wherein cellular digital packet data (CDPD) is utilized and a billing server is used to collect, compile/accumulate billing amount information, and the user is

billed based on compiled collected billing information (col. 11, line 11-18, col. 12, line 11-16, col. 13, line 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement at the time of the invention a server accumulating recorded transferred data amount and recorded received data amount as taught by Wang with the teachings of Olin for the purpose of further managing packet billing data between devices/users in a wireless communication environment.

**Regarding claims 88-90**, as indicated above, combined Olin and Wang, disclose communicating and managing packet based billing data in a wireless environment, wherein recording the amount of data communicated is logged/recorded in association with a server. Olin further discloses utilizing software/driver implemented on communicating wireless devices wherein encapsulation and de-capsulation is performed as associated with communicating and recording of the amount of data transferred and received in the packet billing system. Further, it is inherent to utilize coding/software/instructions to implement functions associated in a computer environment.

**Regarding claim 92**, as indicated above, Olin utilizes software/instructions (paragraph 0038) to implement functions associated with record amount of data transmitted, which is inherent in communicating in a computer environment. It is further inherent to present code instrumented in instructions (software/algorithm) prior to execution of instructions on a device.

4. **Claim 91** is rejected under 35 U.S.C. 103(a) as being unpatentable over Olin et al (US PG PUB 20040005878) in view of Wang et al (US Pat 6,603,761) as applied to claim 87 above, and further in view of Saari et al (US Pat 6,338,046).

**Regarding claim 91**, as indicated above, combined Olin and Wang, disclose communicating and managing packet based billing data in a wireless environment, wherein recording the amount of data communicated is logged/recorded in association with a server. Olin further discloses utilizing software/driver implemented on communicating wireless devices wherein encapsulation and de-capsulation is performed as associated with communicating and recording of the amount of data transferred and received in the packet billing system. Further, it is inherent to utilize coding/software/instructions to implement functions associated in a computer environment.

Olin and Wang are silent on code that is written to a specification for transmission billing, as it is associated with logging amount of data transmitted.

In a communication system, Saari discloses determining charges for usage in a packet-billing environment wherein the software for transmission of billing is modeled with respect to ATM specifications (col. 7, line 28-46, col. 8, line 64 thru col. 9, line 26, col. 12, line 32-53, col. 1, line 11-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement at the time of the invention a code that is written to a specification for transmission billing as it is associated with logging amount

Application/Control Number:  
10/085,981  
Art Unit: 2619

Page 6

of data transmitted as taught by Saari with the combined teachings of Olin and Wand for the purpose of further managing packet billing data between devices/users in a wireless communication environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones  
December 31, 2007



  
1/2/08  
WING CHAN  
SUPERVISORY PATENT EXAMINER